

FY 2002 Annual Performance Goals and Measures and Accountability Measures**GOAL 9: A Credible Deterrent to Pollution and Greater Compliance with the Law**

Objective 1: EPA and its state, tribal, and local partners will improve the environment and protect public health by increasing compliance with laws through a strong enforcement presence.

Annual Performance Goal:

EPA will direct enforcement actions to maximize compliance and address environmental and human health problems; 75% of concluded enforcement actions will require environmental or human health improvements such as pollutant reductions and/or changes in practices at facilities.

Performance Measures:

75% of concluded enforcement actions require pollutant reductions and/or changes in facility management or information practices.

300 million pounds of pollutants reduced (aggregate).

Increase or maintain existing compliance rates or other indicators of compliance for populations with established baselines, or develop additional rates for newly selected populations.(core optional)

Reduce by 2 percentage points overall the level of significant noncompliance recidivism among CAA, CWA, and RCRA programs from FY 2000 levels.

Increase by 2 percentage points over FY 2000 levels the proportion of significant noncomplier facilities under CAA, CWA, and RCRA which returned to compliance in less than two years. (core required)

Produce report on the number of civil and criminal enforcement actions initiated and concluded.

Annual Performance Goal:

EPA will conduct 15,000 inspections, 400 criminal investigations, and 200 civil investigations targeted to areas that pose risks to human health or the environment, display patterns of non-compliance or include disproportionately exposed populations.

Performance Measures:

Number of criminal investigations.

Number of civil investigations.

Number of EPA inspections.

Five percent of mutually agreed-upon high-priority facilities in Indian Country will have been the object of minimum core compliance monitoring program.

Annual Performance Goal:

Ensure compliance with legal requirements for proper handling of hazardous waste imports and exports.

Performance Measures:

Review and respond to 100% of the notices for trans-boundary movement of hazardous wastes, ensuring their proper management in accordance with international agreements.

Annual Performance Goal:

Improve capacity of states, localities and tribes to conduct enforcement and compliance assurance programs. EPA will provide training as well as assistance with state and tribal inspections to build capacity, including implementation of inspector credentials program for tribal law enforcement personnel.

Performance Measures:

Conduct 150 EPA-assisted inspections to build capacity.

Number of EPA training classes/seminars delivered to states, localities and tribes to build capacity.

EPA will make a decision on issuance of inspector credentials to qualified tribal members within 60 days after completing the training requirements.

NETI will train 95 Tribal personnel.

NETI will provide tribal governments with 50 computer-based training (CBT) modules.

Total number of state and local students trained.

Annual Performance Goal:

Maintain and improve quality and accuracy of EPA's enforcement and compliance assurance data to identify noncompliance and focus on human health and environmental problems.

Performance Measure:

Field test Integrated Compliance Information System (ICIS) Phase I, retire Docket system and complete design and development of ICIS Phase II.

Complete Quality Management Plan (QMP) project for an additional 3 data systems.

Begin development and system testing for modernized Permit Compliance System (PCS) system.

Continue operation and maintenance/user support of 14 information systems housing national enforcement and compliance assurance data with a minimum of 95% operational efficiency.

Conduct 4 analyses of environmental problems in Indian Country using EPA's baseline assessment survey.

Objective 2: EPA and its state, tribal, and local partners will promote the regulated community's compliance with environmental requirements through voluntary compliance incentives and

assistance programs.

Annual Performance Goal:

Increase opportunities through new targeted sector initiatives for industries to voluntarily self-disclose and correct violations on a corporate-wide basis.

Performance Measures:

Complete settlements with 500 facilities to voluntarily self-disclose to the Federal government and correct violations.

Annual Performance Goal:

In FY 2002, review all major proposed Federal actions subject to the National Environmental Policy Act (NEPA) and achieve successful mitigation for at least 70% of the adverse environmental impacts resulting from those actions.

Performance Measures:

70% of significant impacts identified by EPA are successfully mitigated.

Annual Performance Goal:

Review and document 100% of water treatment facility grants and water discharge permits subject to National Environmental Policy Act.

Performance Measures:

100% of water treatment facility grants and water discharge obligations are met.

Annual Performance Goal:

Promote the use of Environmental Management Systems (EMS) to address known compliance and performance problems.

Performance Measures:

Increase EMS use by developing tools, such as training and best practice manuals that encourage improved environmental performance and conduct research and evaluation of EMSs.

Annual Performance Goal:

Increase the regulated community's compliance with environmental requirements through their expanded use of compliance assistance. The Agency will continue to operate small business compliance assistance centers and develop compliance assistance tools such as sector notebooks and compliance guides.

Performance Measures:

Develop 150 compliance assistance tools.

Add all new EPA compliance assistance materials to the Clearinghouse within 30 days of issuance.

Reach 500,000 facilities, states, or technical assistance providers through targeted compliance assistance (core optional).

Agency will reach 30 tribally owned/managed entities through targeted compliance assistance.

Increase the use of Sector Facilities Indexing Project website user sessions over FY 2000 levels.

FY 2002 Accountability Measures for Enforcement and Compliance Assurance¹

1. Environmental and/or public health benefits achieved through concluded enforcement activities, e.g., case settlements, injunctive relief, etc.
Pilot measure: Volunteer states will be sought to participate with EPA in pilot test use of Case Conclusion Data Sheet or comparable approaches to analyzing benefits achieved from enforcement activities.
2. Rates of significant noncompliance for selected regulated populations.
All states continue to provide facility-specific compliance information through automated data systems. Volunteer states will be sought to participate with EPA in development of statistically valid compliance rates.
3. Percentage of significant non-compliers (SNCs) that have been returned to compliance or otherwise addressed.
All states continue to provide facility-specific compliance information through automated data systems.
4. Results of using State alternative compliance approaches (e.g., audit laws or policies, small business compliance policies, XL projects) and compliance assistance.
Pilot measure: Volunteer states will be sought to provide EPA with data on evaluation of the results of compliance incentives and compliance assistance efforts. Provide narrative description of alternative compliance approaches.
5. Total number of inspections conducted at major facilities, and the percent of total universe of regulated sources inspected in negotiated priority areas (e.g., industry sectors, geographic areas).
All states continue to report facility-specific data through automated data systems. Negotiate means for reporting information on inspections of facilities not covered by current data systems.
6. Enforcement actions (e.g., case referrals, orders, notices) taken, by media.
All states continue to provide facility-specific compliance information through automated data systems.
7. Number of facilities/entities reached through each type of compliance assistance activity.
Pilot measure: Volunteer states will be sought to participate with EPA in pilot to provide data on compliance assistance activities. Describe any current reporting a pilot State does on compliance assistance activities.

¹ As stated in the 1997 *Joint Statement on Measuring Progress under NEPPS*, "Beyond core performance measures, there are other program output and fiscal reporting requirements we must use to document our various program activities." States are expected to continue reporting this routine program and fiscal tracking information. At the same time, States and EPA Regions are encouraged to work together to review the value and cost of these data exchanges and eliminate low-priority reporting.